

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMARJIT S. VIRK, M.D.,

Plaintiff,

v.

MAPLEGATE ANESTHESIOLOGISTS, P.C.
and JON GRANDE, M.D.,

Defendants.

DECISION AND ORDER
14-CV-381S

1. Presently before this Court is Plaintiff's motion for reconsideration of the Decision and Order dated January 19, 2015, that granted Defendants' motion to compel arbitration. The decision to grant or deny a motion for reconsideration is within the sound discretion of a district court judge. See Munafo v. Metropolitan Transp. Auth., 381 F.3d 99, 105 (2d Cir. 2004); Salamon v. Our Lady of Victory Hosp., 867 F. Supp. 2d 344, 360 (W.D.N.Y. 2012). Reconsideration is properly granted where "the moving party can point to controlling decisions or data that the court overlooked-matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir.1995). In contrast, "a motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided." Id.

2. Here, Plaintiff raises the same arguments already considered and rejected by this Court in the January 19, 2015 Decision and Order. In doing so, Plaintiff does not address the Court's expressed basis for rejecting these arguments, such as the absence of evidence that the 2000 Employment Agreement – which this Court

expressly held did not automatically terminate at Plaintiff's successful conclusion of the first year of employment -- was modified or superseded by the parties' subsequent course of conduct. Plaintiff's disagreement with this Court's conclusions is not a sufficient basis for reconsideration, therefore the present motion will be denied.

IT HEREBY IS ORDERED that Plaintiff's Motion for Reconsideration [17] is DENIED.

SO ORDERED.

Dated: June 5, 2015
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Senior United States District Judge